

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1-16 are pending in this application. Claim 3 was rejected under 35 U.S.C. § 112, second paragraph. Claims 1, 3-5, 7-9, 11-13, 15, and 16 were rejected under 35 U.S.C. § 102(a) as anticipated by U.S. patent application publication 2002/0112237 A1 to Kelts. Claims 2, 6, 10, and 14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kelts in view of U.S. patent application publication 2004/0125148 A1 to Pea et al. (herein “Pea”).

Addressing first the rejection of claim 3 under 35 U.S.C. § 112, first paragraph, that rejection is traversed by the present response.

The outstanding Office Action indicated the limitation “the preview image” in claim 1 did not have antecedent basis in claim 2 but only in claim 1. In reply to that grounds for rejection applicants note claim 3 is amended by the present response to now depend directly from independent claim 1. In that respect applicants, however, also point out claim 3 was believed to be proper as previously written as it depended on claim 2, which in turn depended on claim 1, and thereby claim 3 indirectly dependent on claim 1 and thereby had support for the recited “the preview image”.

Addressing now the above-noted rejection of claims 1, 3-5, 7-9, 11-13, 15, and 16 under 35 U.S.C. § 102(a) as anticipated by Kelts, and the further rejection of claims 2, 6, 10, and 14 further in view of Pea, those rejections are also traversed by the present response.

The present invention is directed to a mobile terminal, a mobile communication system or method such as shown for example in Figure 1 in the present specification in which a mobile terminal 10 may desire to receive contents from content providers 51, 52. In such cases, it is often desired that the user of the mobile terminal 10 will want to view previews of the contents available from the content providers 51, 52 to determine whether the user wants

to view the full contents. The applicant of the present invention recognized that as the number of content providers and the number of contents they can provide has rapidly increased recently, it becomes difficult to allow such previews to be downloaded because of the volume and running time of such previews.¹

The present invention is directed to a system, method, and devices for allowing more efficient download of such previews. With reference to Figure 3 in the present specification as a non-limiting example, the claimed invention includes a moving image preview processor 160 that can transmit a moving image preview request to a content server, and that can then receive preview data for previewing contents to be reproduced.² The claimed invention is directed to allowing more efficient downloading of the preview data by sending specific preview requests. As non-limiting examples, based on the preview request made, the preview data and method for displaying the preview data can be determined based on a process and capacity of a mobile communication terminal, a traffic condition of the network, a file size, a compression state of the target contents file, etc.³

Applicants respectfully submit each of independent claims 1, 9, and 13 positively recites features neither taught nor suggested by Kelts, and that are not overcome by any teachings in Pea. In that respect applicants respectfully submit the outstanding rejection is misconstruing the disclosure in Kelts relative to certain of the claimed features.

Independent claim 1 specifically recites a “moving image preview processor” operates to:

transmit[] ***a moving image preview request for the moving image contents*** to the contents service server, the moving image preview request including information about a preview image type determined based on the moving image file information, and then receiving a preview image for previewing the moving image contents. [Emphasis added].

¹ Specification at page 4, lines 20-25.

² Specification at page 11, lines 12-17.

³ Specification at page 11, lines 18-24.

The other independent claims recite similar features.

As recited in the claims, the mobile communication terminal and claimed methods can receive file information about a moving image file and can determine a preview method based on the file information to preview the moving image file. Thereby, a more efficient providing of the preview image data can be realized in the claimed invention. The claims as written are believed to clearly distinguish over the applied art.

With respect to the above-noted feature of the “moving image preview processor” the outstanding rejection cites Kelts specifically stating:

a moving image preview processor (browser, 806-Fig. 8) for receiving moving image file information for the moving image contents (movies, 402-Fig. 4) from the contents service server (804-Fig. 8), transmitting a moving image preview request (2500-Fig. 25, and [0248], lines 1-7. Note that Fig. 25 describes a map system which is showed in Fig. 4. See bottom of Fig. 4) for the moving image contents to the contents service server (804-Fig. 8), the moving image preview request including information about a preview image type (map items, [0248], lines 10-11) determined based on the moving image file information (URL, [0248], line 8), and then receiving a preview image (412-Fig. 4) for previewing the moving image contents.⁴

In reply to the above-noted grounds for rejection, applicants respectfully submit the outstanding Office Action is misconstruing the disclosure in Kelts relative to the claimed features. Specifically, the above-noted passages in Kelts are not directed to providing a “moving image preview request for the moving image contents”.

One grounds for the outstanding rejection notes Kelts indicates being able to transmit a moving image as the *movies 402* in Figure 4. For Kelts to be even similar to the claims Kelts would have to provide a *preview of those movies 402* of Figure 4. *None* of the above-noted disclosures in Kelts directed to the navigation map, and *none* of the disclosures in Kelts directed to the URL leading to the navigation map, *are directed to a preview of the movies 402*.

⁴ Office Action of January 15, 2008, middle of page 3.

In such ways, the disclosures in Kelts are not at all directed to the same features as claimed.

Kelts is directed to a technology for providing navigation map images, which differs from the claimed mobile communication terminal that plays moving image contents.

In Kelts the noted URL information indicates locations where map images are stored. That is, in Kelts the URL information is used to select map images to be requested, and that URL information does *not* include information that are directed to a *preview of moving image contents*.

Stated another way, and as noted above, the claims are directed to a device that can transmit a moving image, but before transmitting the moving image can transmit a *preview image* for previewing the moving image contents. The claims are directed to such a preview of the moving image contents. Kelts is not at all directed to any such features and Kelts does not disclose or suggest that particularly the URL noted would provide a preview of a moving image contents that could later be transmitted.

Even more specifically in addressing the above-noted grounds for the rejection, the cited Figure 25 in Kelts and the disclosure in paragraph [0248] specifically indicates “in the preferred embodiment, each navigation map can be requested using a designated URL”.⁵ Kelts goes on to note that in response to a map request a map system can retrieve at least a portion of the requested map (task 2504) and the map items located in that portion of the requested map (task 2506), and that “the tasks 2504 and 2506 enable the map system to retrieve a portion or a subset of the requested map”.

With respect to those disclosures in Kelts, Applicants note none of those disclosures in Kelts is directed to a preview of a moving image contents.

⁵ Kelts, paragraph [0248], lines 7-8.

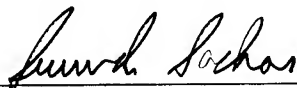
In such ways, applicants respectfully submit the claims as currently written clearly distinguish over Kelts.

Moreover, no teachings in Pea were cited with respect to the above-noted features, and no teachings in Pea are believed to cure the deficiencies in Kelts.

In view of the present response, applicants respectfully submit the present application is in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Surinder Sachar
Registration No. 34,423